

United States District Court
Middle District of Pennsylvania

Jasmine Malseed,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 1:23-cv-01329-CCC
)	
Penbrook Borough, et al.)	
)	
Defendants.)	

Plaintiff's Motion for Protective Order

Plaintiff Jasmine Malseed brings this motion under Federal Rule of Civil Procedure 26(c) for a protective order preventing Defendants from seeking discovery of her statutorily protected education records. Defendants have had multiple opportunities to justify their proposed subpoenas for Ms. Malseed's education records, through written communications exchanged by the parties, letter briefs to the Court, and in two discovery conferences with Magistrate Judge Arbuckle. Despite bearing the burden of proof in seeking this discovery, Defendants have offered no cogent reasoning for why Ms. Malseed's school records shed any light on the effect that kicking a door into her head and unlawfully entering her house had on her, nor have they identified any precedent for allowing this sort of invasive discovery in a

Section 1983 case in which the Plaintiff's education is not relevant to the damages claimed by the Plaintiff.

Further, Plaintiff attempted to conserve judicial resources and avoid the need for the Court's involvement in an unnecessary dispute about statutorily protected records by revising her damages request to remove the portions that Judge Arbuckle had expressed could make the education records relevant, as these were not central to her damages claim. Defendants nonetheless refused to withdraw their proposed subpoenas. Ms. Malseed is thus filing this motion to enforce her statutory privacy rights.

Under Local Rule 7.5, Plaintiff will file a brief in support of her Motion for Protective Order separately and within 14 days of this Motion.

Date: April 19, 2024

Respectfully submitted,

/s/ Joseph P. Guzzardo
Joseph P. Guzzardo (ID # 95089)
Guzzardo & Associates LLC
121 S. Broad Street, Ste. 1600
Philadelphia, PA 19107
Telephone: (215) 718-6691
jguzzardo@guzzardolaw.com

Johson and Webbert LLP
1 Bowdoin Mill Island #300
Topsham, ME 04086
Telephone: (207) 623-5110
jguzzardo@work.law

Braden A. Beard (pro hac vice)

Sarah K. Austin (pro hac vice)
Johnson & Webbert, LLP
1 Bowdoin Mill Island, Ste. 300
Topsham, ME 04086
Telephone: (207) 623-5110
bbeard@work.law
saustin@work.law

Attorneys for Plaintiff

Certificate of Service

I hereby certify that on April 19, 2024, I electronically filed this filing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Date: April 19, 2024

/s/ Joseph P. Guzzardo
Joseph P. Guzzardo
Guzzardo & Associates LLC
121 S. Broad Street, Ste. 1600
Philadelphia, PA 19107
Telephone: (205) 718-6691
jguzzardo@guzzardolaw.com